Remarks

The present amendment is in response to the Office action dated October 18, 2007, where the Examiner has rejected claims 1-21. In the present amendment, claims 1, 6, 7, 9-13, and 40 have been amended and claim 8 has been cancelled without prejudice. New claims 41-47 have been added. Accordingly, claims 1-7, 9-21, and 40-47 are pending in the present application with claims 1, 13, and 40 being the independent claims. Reconsideration and allowance of pending claims 1-7, 9-21, and 40-47 in view of the amendments and the following remarks are respectfully requested.

35 USC §102(e)

Independent claims 1, 13, and 40 stand rejected under section 102(e) as being anticipated by U.S. Publication No. 20020111865 ("Middleton") and also as being anticipated by US Patent No. 6,035,332 ("Ingrassia"). Applicant has amended independent claims 1 and 40 to clarify the claimed invention and to further distinguish Middleton and Ingrassia.

Initially, applicant has amended the independent claims to clarify the setting in which the claimed subject matter operates. It should now be clear that there is a client device, a content server, and an event-tracking server and each of these are able to communicate with each other over a network.

Claim 40

The steps of amended independent claim 40 are not disclosed by Middleton or Ingrassia or even a combination of the two references. Both Middleton and Ingrassia are applet references. Each relies on an applet that is downloaded to the client device and executed by the Jave virtual machine. As the applet executes, it monitors the user activity and then sends a report to a server. (see Abstract of Middleton and Ingrassia).

Independent claim 40 has been amended to distinguish the applet based monitoring described by Middleton and Ingrassia. Specifically, claim 40 requires that the content server receive an event from the client device, for example a request to include an item in a shopping cart. At this point, if this is the first request from the user, under Middleton and Ingrassia this first request does not get monitored because the applet has not yet been downloaded to the client and the applet is not yet running, so it cannot monitor this first event. Ingrassia requires that the first request be responded to

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by the content server in order to cause the client device to make a second request to download the applet. (Fig. 3, element 4).

Next, claim 40 requires that the content server dynamically generate an event definition section that is associated with the event that just occurred such that the event definition section includes an event identifier and event definition data regarding the event that just occurred. These actions take place at the content server and no such content server actions are disclosed by Middleton or Ingrassia.

Claim 40 also requires that the content server retrieve web page content that is responsive to the event and then insert the dynamically generated event definition section into the web page content and returning the web page content with the event definition section to the client device.

Middleton and Ingrassia fail to disclose any such content server actions because their disclosures are both directed toward applet based user monitoring and the applets execute at the user station within the context of a Java virtual machine that is associated with the browser.

Furthermore, claim 40 requires that the event tracking server receive an event signal from the client device and that the event signal includes the event definition section that was dynamically generated by the content server. Middleton and Ingrassia only disclose that a log of monitored user activity is sent to the activity server (Middleton) or synchronization server (Ingrassia). Neither reference discloses that data regarding an event that just occurred is dynamically generated by the content server, sent to the client device, and then sent to the event-tracking server.

Still further, claim 40 requires that the event tracking server parse the event signal to obtain the event identifier from the event definition section and then get an instruction from a memory of the event-tracking server by using the event identifier. Middleton and Ingrassia do not disclose these event tracking server actions because both references are focused on the applets that execute on the client device.

Accordingly, Applicant believes that amended claim 40 is clearly distinguished from Middleton and Ingrassia and respectfully requests a notice of allowance of at least claim 40 and its dependent claims.

New dependent claims 41-47 have been added to further refine and limit the scope of independent claim 40. Claims 41-45 are directed toward the details of the event definition section,

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which is dynamically created by the content server and sent to the client device. Claim 46 is directed toward the event-tracking server and the requested image file stored on the event-tracking server and claim 47 is directed toward the event tracking server the action it takes when receiving a request for a specific image file. Applicant submits that Middleton and Ingrassia do not disclose these additional features set forth in dependent claims 41-47 and a notice of allowance including these claims is respectfully requested.

Claims 1 and 13

Independent claims 1 and 13 are directed toward subject matter that is similar to claim 40 and drafted from the point of view of the event-tracking server. The amendments to claims 1 and 13 distinguish Middleton and Ingrassia.

Specifically, claim 1 requires that the event tracking server receive an event signal from the client device and that the event signal include data that is descriptive of a user interaction with a content server. Middleton and Ingrassia disclose this much but do not go further. Claim 1, however, further requires that the event signal is sent in response to an HTML element received by the client device from the content server. Middleton and Ingrassia, in contrast, monitor user activity with the applet that is executing on the client device but do not take action in response to HTML elements received from the content server.

Still further, claim 1 requires that the event signal conforms to HTTP protocol and that the event signal includes event definition data in the HTTP header and URL parameters of the event signal. Neither Middleton or Ingrassia disclose any format or protocol for the monitored activity that is sent by the applet executing on the client device to the activity server (Middleton) or synchronization server (Ingrassia). The references also do not disclose sending event definition data in the HTTP header and URL parameters of the event signal. Accordingly, applicant believes that claim 1 is fully distinguished from Middleton and Ingrassia and respectfully requests a notice of allowance that includes claim 1 and its respective dependent claims.

Similarly, claim 13 requires that the event tracking server receive a request from the network user and that the request includes a request to record event-tracking information. Additionally, claim 13 requires that the request be originally contained in a specially formatted Web page on the content server. Middleton and Ingrassia do not disclose that a request that gets sent to the event tracking

server is originally included in a specially formatted Web page on the content server. The Middleton and Ingrassia references are not directed toward web content but rather they are concerned with downloading an applet to the client device that executes on the client device in order to monitor user activity and report that activity to an activity server (Middleton) or synchronization server (Ingrassia).

Finally, claim 13 requires that the request that is received by the event-tracking server is sent in response to an HTML code element that is extracted from the specially formatted Web page. Middleton only discloses that at some point the applet sends the monitored user activity report to the activity server at an appropriate time, such as when the display of the web page is terminated. This is not responsive to an HTML code element. Ingrassia also does not disclose this requirement either. Ingrassia only discloses that the applet running on the client reports the activities to a synchronization server. Ingrassia does not disclose that the reporting is carried out responsive to an HTML code element.

In contrast to claim 13, both Middleton and Ingrassia disclose applet based solutions for monitoring user activity and these applets necessarily run separate from the browser and in the Java virtual machine. These applets do not send their respective activity logs to a server in response to an HTML code element that is extracted from a specially formatted web page. Instead they send their respective activity logs to a server at a predetermined time, such as when the display of the web page is terminated. Accordingly, applicant believes that claim 13 is fully distinguished from Middleton and Ingrassia and respectfully requests a notice of allowance that includes claim 13 and its respective dependent claims.

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Conclusion

For all the foregoing reasons, allowance of claims 1-7, 9-21, and 40-47 pending in the present application is respectfully requested. If the Examiner has any questions or comments regarding the above Amendments and Remarks or believes that a telephone conversation may be useful in reaching resolution on allowable subject matter, the Examiner is invited to contact the undersigned at the number listed below.

Respectfully submitted,
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Dated: April 18, 2008   By: /Pattric J. Rawlins/
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